

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
W.A. DREW EDMONDSON, in his
capacity as ATTORNEY GENERAL
OF THE STATE OF OKLAHOMA,
et al.

Plaintiffs,

V.

TYSON FOODS, INC., et al.,

Defendants.

No. 05-CV-329-GKF-SAJ

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FEBRUARY 21, 2008

PRELIMINARY INJUNCTION HEARING

VOLUME III

BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

APPEARANCES:

For the Plaintiffs: Mr. Drew Edmondson
Attorney General
Mr. Robert Nance
Mr. Daniel Lennington
Ms. Kelly Hunter Burch
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Glen R. Dorrough
UNITED STATES COURT REPORTER

EXHIBIT

127

1	(CONTENTS CONTINUED)	Page No.
2	Direct Examination by Mr. Lennington.....	585
3	Cross-Examination by Mr. McDaniel.....	601
4	Redirect Examination by Mr. Lennington.....	623
5	Recross-Examination by Mr. McDaniel.....	625
6	VALERIE J. HARWOOD	
7	Direct Examination by Mr. Page.....	627
8	Cross-Examination by Mr. Jorgensen.....	674
9	Redirect Examination by Mr. Page.....	755
10	Recross-Examination by Mr. Jorgensen.....	764
11	ROGER LEE OLSEN	
12	Direct Examination by Mr. Page.....	773
13	Cross-Examination by Mr. George.....	831

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15 PROCEEDINGS

16 February 21, 2008

17 THE COURT: Mr. Bullock, Mr. George, and Ms.
 18 Southerland and I spoke a second ago outside the courtroom with
 19 regard to evidentiary matters. We've been going at such a
 20 rapid pace and because there has been an agreement with regard
 21 to exhibits on direct, there have been promises made to the
 22 Court with respect to exhibits that have been used on cross
 23 that they would be handled at the next break or at lunch that
 24 has not been done. So the concern is that going forward, we
 25 need to handle this matter very quickly or it presents real

1 THE COURT: Rather than discuss it any further, let's
2 take the next witness. And I'll just tell you how much time --
3 as you're running out of time, I'll tell you how much time
4 we've got. And I'm going to start putting the stopwatch to it.
5 Call your next witness.

6 MR. PAGE: Your Honor, the State calls Dr. Roger
7 Olsen.

8 THE COURT: Dr. Olsen.

9 ROGER LEE OLSEN

10 Called as a witness on behalf of the plaintiffs, being first
11 duly sworn, testified as follows:

12 THE COURT: State your name for the record, please.

13 THE WITNESS: Roger Lee Olsen.

14 THE COURT: Thank you, Mr. Page.

15 MR. PAGE: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. PAGE:

18 Q. Dr. Olsen, would you please summarize for the Court your
19 education?

20 A. Yes, I have a bachelor of science degree in mineral
21 engineering chemistry from the Colorado School of Mines in
22 1972, that's essentially a chemistry degree. Then I have my
23 PhD in geochemistry in 1979 also from the Colorado School of
24 Mines.

25 Q. Dr. Olsen, what work experience do you have that's related

1 to your opinions in this case?

2 A. Essentially after I got out of school, all my work since I
3 graduated has been related to evaluating contamination in the
4 environment.

5 Q. Okay. And what companies have you worked for?

6 A. When I first got out of -- while I was in graduate school,
7 I actually was an instructor in chemistry and geochemistry for
8 three years at the Colorado School of Mines. After I left the
9 Colorado Schools of Mines, I was with Rockwell International
10 for a year as a senior research chemist. And I went to a
11 consulting engineering company called D'Appolonia Consulting
12 Engineers that was bought out by International Technology. I
13 was there six years. For the last 23 years I've been with
14 Camp, Dresser, McKee or CDM.

15 Q. Now, as part of your work in the environmental field, has
16 that involved designing sampling plans?

17 A. Yes, it has.

18 Q. How many sampling plans have you supervised the design
19 for?

20 A. At least a hundred that I've been the major author or
21 major contributor to.

22 Q. And would you explain to the Court the approach you follow
23 when you design a sampling?

24 A. Yes, I've developed a systematic approach that I use
25 that's kind of a step-wise approach. And the first approach is